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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE DISTRICT OF ARIZONA

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC
**FIRST AMENDED SHORT FORM
COMPLAINT**
**BOBBIE COX, INDIVIDUALLY and on
behalf of the Estate of ELIHU COX**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364)
10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Elihu Cox

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 n/a

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 Bobbie Cox; Representative

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 n/a

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Ohio

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

X Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

G2® Vena Cava Filter

G2® Express Vena Cava Filter

- G2® X Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter
- Other: _____

11. Date of Implantation as to each product:

6/09/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X Count III: Strict Products Liability – Design Defect
- X Count IV: Negligence - Design
- X Count V: Negligence - Manufacture
- X Count VI: Negligence – Failure to Recall/Retrofit
- X Count VII: Negligence – Failure to Warn
- X Count VIII: Negligent Misrepresentation
- X Count IX: Negligence *Per Se*
- X Count X: Breach of Express Warranty
- X Count XI: Breach of Implied Warranty
- X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable Ohio (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

Count XV: Loss of Consortium

Count XVI: Wrongful Death

□ Count XVII: Survival

X Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

X Yes

□ No

1 RESPECTFULLY SUBMITTED this 4 day of May, 2018.

2 TAUTFEST BOND, PLLC

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8 Attorney for Plaintiff

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12 I hereby certify that on this 4 day of May, 2018, I electronically transmitted

13 the attached document to the Clerk's Office for filing using the CM/ECF System filing and

14 transmittal of a Notice of Electronic Filing.

15 *s/Monte Bond*